



New York State Department of Labor
 Andrew M. Cuomo, Governor
 Roberta Reardon, Commissioner

Date: November 10, 2016

**ORDER TO COMPLY WITH ARTICLE 19
 OF THE NEW YORK STATE LABOR LAW**

Refer to: Order to Comply No.
 16-00379

Frank A. Ciolli and 1 Front Street Grimaldi, Inc.
 (T/A Grimaldi's Coal Brick-Oven Pizzeria)
 1 Front Street
 Brooklyn, NY 11201

Minimum Wage:	\$59,463.03
Interest at 16.0%:	\$24,443.75
Liquidated Damages 25.0%	\$14,865.77
Civil Penalty:	\$59,463.03
Total Due:	\$158,235.58

Upon investigation the Commissioner of Labor FINDS:

- A. At all times mentioned in this Order the above named was an Employer as defined in Section 651.6 of the New York State Labor Law and conducted business at the above address.
- B. Said Employer employed the person(s) named on the attached Schedule of Underpayments for the periods set forth therein, in occupations which were subject to the provisions of Section 652 of the New York State Labor Law.
- C. The aforesaid employment was subject to Article 19 of the New York State Labor Law and the Minimum Wage Order of Title 12 NYCRR Part No.146. During the designated period the Employer paid the named employee(s) a wage rate below the minimum prescribed in such Minimum Wage Order.
- D. There is due and owing by the Employer to the said employee(s) the sum as indicated above for underpayment of wages.
- E. There is also due and owing by the Employer to the said employee(s) interest at the above rate to the above date in the sum indicated above, which shall continue to accrue at the said rate until the aforesaid wages are paid.
- F. There is also due and owing by the Employer to the said employee(s) liquidated damages in the amount of twenty five (25) percent of wages due and owing.
- G. There is due and owing by the Employer to the Commissioner of Labor a civil penalty in the above amount. In determining the penalty the following have been given due consideration: the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations and the failure to comply with record keeping or other non-wage requirements as revealed by an investigation conducted by the Division of Labor Standards.

Phone: (518) 485-2778 Fax: (518) 457-8452
 State Office Bldg. Campus, Bldg 12, Rm 185B, Albany, NY 12240



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Schedule of Minimum Wage Underpayments

Refer to: Order to Comply No.
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NAME OF EMPLOYER AND ADDRESS OF PLACE OF EMPLOYMENT

Frank A. Ciolli and 1 Front Street Grimaldi, Inc.
 (T/A Grimaldi's Coal Brick-Oven Pizzeria)
 1 Front Street
 Brooklyn, NY 11201

NAME, ADDRESS, SS#, & ID# OF EMPLOYEE

OCCUPATIONAL CLASSIFICATION

**PERIOD COVERING
 FROM TO**

TOTAL DUE

Cordoba, Romeo 38-05 111th St 2nd Floor Corona NY 11368 LCT1286341	Kitchen Worker	04/14/2011	04/14/2014	\$22,087.50
Lucero, David 32-32 81st St 1st Floor East Elmhurst NY 11370 LCT1286342	Kitchen Worker	04/14/2011	04/12/2014	\$7,635.00
Martinez, Felipe 435 Westerbelt Avenue 2nd Floor Staten Island NY 10301 LCT1337761	pizza maker	05/01/2012	05/03/2014	\$5,467.50

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Martinez, Felix 3436 90th Street Jackson Heights NY 11372 LCT1337763	prep/dishwasher	03/02/2013	05/03/2014	\$8,919.28
Rivera, Noe 107 East 126th St Apt 4S New York NY 10035 LCT1286343	Kitchen Worker	05/13/2012	04/12/2014	\$14,913.75
Tambriz, Ruben 8806 Parsons Blvd Apt. C9 Jamaica NY 11432 LCT1333701	kitchen worker	04/25/2014	05/03/2014	\$440.00
TOTAL				\$59,463.03

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**ORDER UNDER ARTICLE 19
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Frank A. Ciolli and 1 Front Street Grimaldi, Inc.
(T/A Grimaldi's Coal Brick-Oven Pizzeria)
1 Front Street
Brooklyn, NY 11201

Civil Penalties:

Count 1	-	\$500.00
Count 2	-	\$500.00
Total	-	\$1,000.00

Upon investigation the Commissioner of Labor FINDS:

- A. At all times mentioned in this Order, the above named was an employer as defined in New York State Labor Law and conducted business at the above address.
- B. Said employer employed employees as defined in New York State Labor Law.

Count 1

- C. That said employer violated section 661 of Article 19 of the New York State Labor Law as supplemented by the Hospitality Industry Wage Order, Part 146 of Title 12 of the Official Compilation of Codes, Rules and Regulations, Section 2.1, by failing to keep and/or furnish true and accurate payroll records for each employee. Said employer was duly requested to provide payroll records for the period of time from on or about April 14, 2011 through May 3, 2014.

Count 2

- D. That said employer violated Section 661 of Article 19 of the New York State Labor Law as supplemented by the Hospitality Industry Wage Order, Part 146 of Title 12 of the Official Compilation of Codes, Rules and Regulations, Section 2.3 by failing to furnish to each employee a statement with every payment of wages, listing the hours worked, rates paid, gross wages earned, any allowances claimed, deductions and net wages during the period from on or about April 14, 2011 through May 3, 2014.

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NOW, upon the foregoing findings and giving due consideration to the statutory criteria of the size of the employer's business, the good faith of the employer, the gravity of the violation, the history of previous violations, as revealed by the investigation of the division of Labor Standards and reports of any conferences with the employer, and by the authority of section 218 of the Labor Law, it is hereby

ORDERED, that the employer comply with the provisions of the Labor Law by remitting to the Commissioner of Labor the total sum as indicated above, for any wages due, plus interest and/or civil penalties assessed, to be disbursed according to law, and it is further

ORDERED, that, in the event that any wages due, interest thereon, liquidated damages and the civil penalties assessed are not paid within 60 days following the service of a certified copy of this Order upon the employer, and no petition has been filed by the employer with the Industrial Board of Appeals for review of this determination, said Order may be filed with the County Clerk where the employer resides or has a place of business, and the Clerk shall without further notice enter judgment pursuant to Section 218 and Section 219 of the New York State Labor Law in the total amount indicated above with the stated rate of interest from the date hereof until payment.

For the Commissioner of Labor

A handwritten signature in blue ink, reading "Maura McCann", is written over a horizontal line.

Maura McCann, Acting Director
Division of Labor Standards

Dated: November 10, 2016

If you are aggrieved by this Order, you may appeal within 60 days from the date issued to the Industrial Board of Appeals as provided by Section 101 of the Labor Law. Your appeal should be addressed to the Industrial Board of Appeals, Building 12, Room 116, The Governor Averell Harriman State Office Building Campus, Albany, NY 12240.

For a copy of the Rules of Procedure, contact the Board at the above address, by visiting their web site at <http://industrialappeals.ny.gov> or by calling 518-474-4785.

Checks and money orders should be made payable to the Commissioner of Labor and sent to the New York State Department of Labor, Division of Labor Standards, Interest Penalty and Collection Section, Room 185B, Building 12, The Gov. Averell Harriman State Office Building Campus, Albany, NY 12240.